

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTON CLARKE THOR MERRILL,

Defendant.

CR 20–33–BU–DLC

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered her Findings and Recommendation Concerning Plea on March 18, 2021. (Doc. 34.) As neither party objected, they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge DeSoto recommends that the Court accept Anton Clarke Thor Merrill’s guilty plea after Merrill appeared before her pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of prohibited

person in possession of a firearm and ammunition, in violation of 18 U.S.C.

§ 922(g)(1), as set forth in the Indictment. At that time, Merrill also agreed to the forfeiture allegation in the Indictment. (*Sealed* Doc. 1.)

Finding no clear error, IT IS ORDERED that the Court ADOPTS the Findings and Recommendation (Doc. 34) IN FULL.

IT IS FURTHER ORDERED that Anton Clarke Thor Merrill's motion to change plea (Doc. 24) is GRANTED, and Anton Clarke Thor Merrill is adjudged guilty as charged in the Indictment.

DATED this 2nd day of April, 2021.



Dana L. Christensen, District Judge
United States District Court